

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

The following listing of claims replaces all prior versions and listing of claims in the application:

Claims 1-41: CANCELLED

42. (Currently Amended) An automotive safety apparatus for protecting a person located outside an automobile from an impact with ~~[[an]]~~ a part of external paneling ~~part~~ of the automobile comprising:

a device configured to deflect the part of the external paneling of the automobile in a first deflecting direction from a first position to a second position,

wherein after the device has deflected the part of the external paneling, the ~~deflecting~~ device is configured to oppose and control movement of the part of the external paneling in a second direction counter to the first deflecting direction, and

wherein the ~~deflecting~~ device is configured to control movement of the part of the external paneling in the second direction opposite counter to the first deflecting direction based upon either the time of ~~[[the]]~~ impact with the person, the location of ~~[[the]]~~ impact with the person, or the direction of ~~[[the]]~~ impact with the person.

43. (Currently Amended) The apparatus of claim 42, wherein the device permits a movement of the part of the external paneling in the second direction counter to the first deflecting direction only a predetermined time period after the initial deflection of the part of the external paneling in the first deflecting direction.

44. (Original) The apparatus of claim 42, wherein the device is configured to use gas pressure to deflect the part.

45. (Currently Amended) The apparatus of claim 44, wherein the device is configured so that the pressure of the gas is controlled over time to decrease after deflection of the part of the external paneling in the first deflecting direction.

46. (Currently Amended) The apparatus of claim 45, wherein the device is configured so that the pressure of the fluid acting on the deflected part of the external paneling is reduced by discharging some of the gas.

47. (Withdrawn) The apparatus of claim 46, wherein the device includes vent openings for discharging gas.

48. (Withdrawn) The apparatus of claim 47, wherein the device is configured so that the size of the vent openings can be controlled.

49. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device can be triggered pyrotechnically.

50. (Original) The apparatus of one claim 44, wherein the gas pressure is produced pyrotechnically.

51. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device comprises an element which can be filled with fluid so that when the element is filled the element applies a force to the part of the external paneling.

52. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device comprises a piston which can apply a force on the part of the external paneling.

53. (Original) The apparatus of claim 52, wherein the piston is configured to receive a fluid for extending the piston.

54. (Withdrawn – Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device is lockable in order to prevent any movement of the part counter to the deflecting

direction; and wherein the locking of the device can be released in response to the impact of the person against the part so that the part is permitted to move counter to the deflecting direction.

55. (Withdrawn) The apparatus of claim 54, further comprising a hook for locking the device.

56. (Currently Amended) The apparatus of claim 42, wherein the apparatus is configured so that the ~~deflecting~~ device can be moved in the second direction counter to the first deflecting direction only upon the impact of a body part of the person within a certain region of the part of the external paneling.

57. (Withdrawn) The apparatus of claim 56, wherein the region surrounds a location on the part against which the device applies a deflecting force.

58. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device includes an elastically or plastically deformable element.

59. (Currently Amended) The apparatus of claim 58, wherein the device is configured so that when [[a]] the person impacts against the part of the external paneling, the elastically or plastically deformable element deforms to permit the part of the external paneling to move in the second direction counter to the first deflecting direction.

60. (Withdrawn) The apparatus of claim 59, wherein the deformable element comprises a spring-elastic element.

61. (Withdrawn) The apparatus of claim 59, wherein the deformable element comprises a flexible coupling element located between the deflecting device and the part.

62. (Withdrawn) The apparatus of claim 59, wherein the deformable element comprises a telescopic element.

63. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device is reversible, so that a movement of the part of the external paneling counter to the first deflecting direction is made possible by a movement of elements of the ~~deflecting~~ device in [[a]] the second direction counter to the first deflecting direction.

64. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device can be moved counter to the first deflecting direction only upon the impact of a body part of [[a]] the person against a predetermined region of the part of the external paneling.

65. (Currently Amended) The apparatus of claim 58, wherein the deformable element can be deformed only after an impact force is applied from a predetermined direction within a predetermined region of the part of the external paneling.

66. (Currently Amended) The apparatus of claim 42, wherein the device includes at least one element configured so that the ~~deflecting~~ device permits a movement of the part of the external paneling in the second direction counter to the first deflecting direction only upon an impact within a specified directional region of the part of the external paneling.

67. (Withdrawn – Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device includes a lever mechanism for deflecting the part of the external paneling.

68. (Withdrawn – Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device includes a movably guided traction mechanism for deflecting the part.

69. (Withdrawn) The apparatus of claim 67, wherein the lever mechanism includes at least one lever which can be pivoted to deflect the part.

70. (Withdrawn) The apparatus of claim 68, wherein the traction mechanism is configured to be tensioned to deflect the part.

71. (Withdrawn) The apparatus of claim 70, wherein the device is configured so that in order to move the part counter to the deflecting direction a load is applied to the traction mechanism counter to its tensioning.
72. (Withdrawn) The apparatus of claims 70, wherein the movement of the part counter to the tensioning of the traction mechanism is possible only upon an impact against the part within a specified directional region.
73. (Currently Amended) The apparatus of claim 52, wherein a movement of the piston in the second direction counter to the first deflecting direction can be triggered only upon an impact against the part of the external paneling within a specified directional region.
74. (Withdrawn – Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device is coupled to an elastic element which pretensions the deflecting device in the deflecting direction.
75. (Withdrawn – Currently Amended) The apparatus of claim 74, further comprising a locking element which prevents a deflection of the part by the ~~deflecting~~ device.
76. (Withdrawn) The apparatus of claim 75, wherein the locking element is configured to be released by the impact of a person against the part.
77. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device is configured to be activated by a first impact of the person against the vehicle, so that the part of the external paneling is deflected in the first deflecting direction.
78. (Currently Amended) The apparatus of claim 77, wherein the device is configured to be activated when the force produced during the impact acts on the ~~deflecting~~ device.
79. (Currently Amended) The apparatus of claim 42, wherein the ~~deflecting~~ device is configured to be activated based on a signal of a sensor coupled to the ~~deflecting~~ device.

80. (Currently Amended) The apparatus of claim 42, wherein the part of the external paneling is formed by a flap of the ~~motor vehicle~~ automobile.

81. (Currently Amended) The apparatus of claim 80, wherein the flap is an engine hood or a trunk flap with two ends,

wherein one end of the flap faces a passenger compartment of the automobile, and
wherein the other end of the flap faces a direction counter to the passenger
compartment.

82. (Currently Amended) The apparatus of claim 81, wherein the ~~application point of the~~
~~deflecting device~~ is applied at the end ~~provided in the region of the end~~ of the flap which
~~faces the~~ facing the passenger compartment of the automobile.